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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
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9 ROGER M. WILLIAMS,

10 Petitioner,

11 vs.

12 STATE OF WASHINGTON,

13 Respondent.

14 NO. CV-07-5062-CI

15 ORDER ADOPTING REPORT AND
16 RECOMMENDATION AND DISMISSING
17 PETITION

18 Magistrate Judge Imbrogno filed a Report and Recommendation on
19 November 2, 2007, recommending Mr. Williams's Petition be dismissed
20 without prejudice to fully exhaust his state court remedies. The
21 court also recommended Petitioner's claims under 18 U.S.C. § 242 be
22 dismissed with prejudice. There being no objections, the court **ADOPTS**
23 the Report and Recommendation.

24 **IT IS ORDERED** the Petition is **DISMISSED without prejudice.**

25 See *Castro-Cortez v. INS*, 239 F.3d 1037, 1047 (9th Cir. 2001),
26 abrogated on other grounds, *Fernandez-Vargas v. Gonzales*, ___ U.S.
____, 126 S.Ct. 2422, 2427 (2006). **IT IS FURTHER ORDERED** Petitioner's
claims under 18 U.S.C. § 242 are **DISMISSED WITH PREJUDICE.**

27 **IT IS SO ORDERED.** The District Court Executive is directed to
28 enter this Order, enter judgment, forward copies to Petitioner at his
ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING PETITION -- 1

1 last known address and close the file.

2 **DATED** this 4th day of January 2008.

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4 s/ Fred Van Sickle
5 FRED VAN SICKLE
6 UNITED STATES DISTRICT JUDGE
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